IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

ITA No. 141 of 2007

Date of Decision: 11.12.2007

Life Insurance Corporation of India

…Appellant

Versus

Income Tax Officer, Patiala and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Baldev Raj Mahajan, Advocate,

for the appellant-assessee

M.M. KUMAR JUDGE, J.

This is assessee's appeal filed under Section 260A of the Income-tax Act, 1961 (for brevity, 'the Act'), challenging order dated 10.11.2006, passed by the Income Tax Appellate Tribunal, Chandigarh Bench-B (for brevity, 'the Tribunal'), in I.T.A. No. 24/CHD/2006, in respect of assessment year 2000-01. The respondents herein are Income Tax Officer, Additional Ward No. 5, Patiala and the Commissioner of Income Tax (Appeals), Patiala.

As the dispute was between Union of India and undertaking of the Union of India, we had granted opportunity to the counsel for the appellant to seek instructions as to whether any proposal for approval of this case has been sent to the Committee of

Disputes (COD) in the light of the observations made by Hon'ble the Supreme Court in the cases of **Oil & Natural Gas Commission v. Collector of Central Excise, (1992) 104 CTR (SC) 31** and **Oil and Natural Gas Commission v. Collector of Central Excise, (1994) 116 CTR (SC) 643**. No information in that regard has been furnished and, therefore, it is not clear whether the proposal has been approved or not.

In view of above, we dispose of the appeal by giving liberty to the appellant to file appropriate application for revival of the appeal if such a necessity arises on the basis of the decision taken by the Committee of Disputes. The appeal has been disposed of by adopting the same course as was adopted by Madras High Court in the case of **Commissioner of Income Tax v. Neyveli Lignite Corporation Ltd., (2007) 293 ITR 362**.

(M.M. KUMAR)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

December 11, 2007
Pkapoor